



TOWN CLERK, ROCKLAND
DEC 9 '21 PM 3:55

TOWN OF ROCKLAND

Planning Board

Town Hall
242 Union Street
Rockland, Massachusetts 02370

Telephone: 781-871-1874 x 1196
Fax: 781-871-0386
E-mail: planningboard@rockland-ma.gov

TOWN OF ROCKLAND PLANNING BOARD Decision of Hearing

APPLICANT: **Gaspar Investments**

HEARING DATE (S): October 26, 2021 & November 23, 2021.

BOARD MEMBERS PRESENT AT THE HEARING(S):

OCTOBER 26, 2021 HEARING: Michael Corbett, Chairman, John Lucas and Randy Hoblitzelle (*absent Charlie Williams and James Wells*).

NOVEMBER 23, 2021 HEARING: Michael Corbett, Chairman, John Lucas and Randy Hoblitzelle (*absent Charlie Williams and James Wells*).

SUBJECT: Design Review Multi-Family & Duplex Residences

LOCATION: 0 Dyer Street (Map 34 Parcels 84, 87, 88 & 90)

You are hereby notified that after careful consideration of your application the Rockland Planning Board voted:

() to deny the application

(XX) to approve the application for Design Plan subject to the conditions hereto annexed.

FILING DATE OF DECISION: **12/08/2021**

DECISION: On **November 23, 2021** the Board voted 3-0 in favor to approve the **Design Plan** as presented along with any changes that may come from Conservation with the following conditions:

II: General Conditions.

1. The applicant shall comply with conditions set forth by the Zoning Board (*attached if applies*).
2. The applicant shall comply with the order of conditions set forth by Conservation (*attached if applies*).
3. That any modification of the plans cited above which modification is substantially different from the plan presented at the public meeting, shall be submitted to the Board to be reviewed and accepted by the Board prior to any construction commencing.
4. That prior to an Occupancy Permit being issued by the Building Department, an "As Built" plan prepared by a Registered Civil Engineer shall be submitted to the Board for its approval; such plan shall bear the following certification: **"I certify that this project has been constructed in conformance with the approved plan and that any changes from said plan have been previously approved by the Rockland Planning Board."**
5. If Necessary, during construction the applicant is required to control erosion. Silt sacs shall be installed in all catch basins in the area of construction. The silt sac shall be cleaned as necessary. All disturbed areas must be stabilized prior to November 30 during construction to prevent erosion during the winter months.
6. The applicant is required to begin construction within two (2) years from the time of the Site Plan approval. The applicant will have to return to the planning board for any time extensions after the two years.
7. The applicant is required to keep all roadways free and clear of debris at the discretion of the Rockland Highway Superintendent during construction.
8. All Road Opening requirements are at the discretion of the Rockland Highway Superintendent.
9. The Applicant shall comply with all any permits required by the Town of Rockland relating to construction of this project.
10. The Town's representative from Planning Board or its successor, including the Town's designated engineer shall be permitted to access the property for the purposes of reviewing the work and progress of the work during construction.
11. During construction the Applicant shall schedule inspections of the drainage system with the Board's consulting engineer. Inspections shall include the following:
 - A. Bottom of all excavated areas for drainage structures.
 - B. After all drainage pipe installation and before backfill
 - C. Top of fill replacement area
12. Material compaction reports will be sent to the Town's designated engineer and the Planning Board Chairman for the site plan file.

13. The applicant will have the town engineer inspect all drainage basins, and landscaping during and upon completion of work.
14. The applicant will be responsible for engineer cost incurred for the preconstruction meeting, drainage inspections, scheduled inspections, final inspection and As-built review.
15. A signed plan and Rockland Planning Board Certificate of Action is to be on-site during construction.
16. Approval of the Planning Board Site Plan does NOT constitute approval of any other Rockland Board or Commissions. Approval does not include any town department that will require additional review or permitting. Approval does not guarantee the issuance of a Building Permit.
17. This site plan approval is subject to and conditioned upon the applicant submitting final building plans acceptable to the Building Commissioner that depict all site and building improvements and additionally comply with all local, state and federal laws and regulations, including site, access, setback, stormwater management, building, sign, and wetlands.



Michael Corbett, Chairman



Date Approved

CONSERVATION COMMISSION



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

273-0411

MassDEP File #

eDEP Transaction #

Rockland

City/Town

A. General Information

Please note:
 this form has
 been modified
 with added
 space to
 accommodate
 the Registry
 of Deeds
 Requirements

Important:
 When filling
 out forms on
 the
 computer,
 use only the
 tab key to
 move your
 cursor - do
 not use the
 return key.



1. From: Rockland
 Conservation Commission
2. This issuance is for
 (check one): a. ☒ Order of Conditions b. ☐ Amended Order of Conditions
3. To: Applicant:

<u>Mayckon</u> a. First Name <u>Gaspar Investment Inc.</u> c. Organization <u>265 Willis Avenue</u> d. Mailing Address <u>Rockland</u> e. City/Town	<u>Gaspar</u> b. Last Name <u>MA</u> f. State <u>02155</u> g. Zip Code
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4. Property Owner (if different from applicant):

<u>Thomas J.</u> a. First Name <u>Plymouth County Land Trust</u> c. Organization <u>195 Whiting Street, Suite 2B</u> d. Mailing Address <u>Hingham</u> e. City/Town	<u>Hastings, Tr.</u> <u>MA</u> f. State <u>02043</u> g. Zip Code
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5. Project Location:

<u>off Dyer Street</u> a. Street Address <u>34</u> c. Assessors Map/Plat Number	<u>Rockland</u> b. City/Town <u>84, 87, 88, 89 and 90</u> d. Parcel/Lot Number
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 Rockland
 City/Town

Latitude and Longitude, if known: 42.115355
 d. Latitude

-70.907020
 e. Longitude

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
 Plymouth
 a. County Plymouth b. Certificate Number (if registered land) 230
 c. Book 49968 d. Page 230
 7. Dates: October 23, 2020 July 13, 2021 July 20, 2021
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance
 8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
 Site Development Plan Set (15 Sheets)
 a. Plan Title McKenzie Engineering Group b. Prepared By Bradley C. McKenzie, P.E. Lic #36917
 c. Signed and Stamped by varied
 d. Final Revision Date June 29, 2021 e. Scale varied
 f. Additional Plan or Document Title See Attachment A - Permit Plans and Documents g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

- a. ☐ Public Water Supply b. ☐ Land Containing Shellfish c. ☒ Prevention of Pollution
 d. ☐ Private Water Supply e. ☐ Fisheries f. ☒ Protection of Wildlife Habitat
 g. ☒ Groundwater Supply h. ☒ Storm Damage Prevention i. ☒ Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. ☒ the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
273-0411

MassDEP File # _____

eDEP Transaction # _____

Rockland
City/Town

that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

B. Findings (cont.)

Denied because:

- b. ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
3. ☒ Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) 25
a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet _____	b. linear feet _____	c. linear feet _____	d. linear feet _____
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet _____	b. square feet _____	c. square feet _____	d. square feet _____
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet _____	b. square feet _____	c. square feet _____	d. square feet _____
	e. c/y dredged _____	f. c/y dredged _____		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet _____	b. square feet _____	c. square feet _____	d. square feet _____
Cubic Feet Flood Storage	e. cubic feet _____	f. cubic feet _____	g. cubic feet _____	h. cubic feet _____
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet _____	b. square feet _____		
Cubic Feet Flood Storage	c. cubic feet _____	d. cubic feet _____	e. cubic feet _____	f. cubic feet _____



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 273-0411

MassDEP File #

eDEP Transaction #

Rockland

City/Town

9. ☐ Riverfront Area

Sq ft within 100 ft

Sq ft between 100-
200 ft

a. total sq. feet

b. total sq. feet

c. square feet

d. square feet

e. square feet

f. square feet

g. square feet

h. square feet

i. square feet

j. square feet

B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	c. nourishment cu yd	d. nourishment cu yd
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. nourishment cu yd	d. nourishment cu yd
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. c/y dredged	b. c/y dredged		
	a. square feet	b. square feet		



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 273-0411

MassDEP File #

eDEP Transaction #

Rockland

City/Town

21. ☐ Land Subject to Coastal Storm
22. ☐ Riverfront Area
- | | | | | |
|--------------------------|-------------------|-------------------|----------------|----------------|
| | a. total sq. feet | b. total sq. feet | | |
| Sq ft within 100 ft | c. square feet | d. square feet | e. square feet | f. square feet |
| Sq ft between 100-200 ft | g. square feet | h. square feet | i. square feet | j. square feet |

B. Findings (cont.)

* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. ☐ Restoration/Enhancement *:
- | | |
|-----------------------|------------------------------|
| a. square feet of BVW | b. square feet of salt marsh |
|-----------------------|------------------------------|
24. ☐ Stream Crossing(s):
- | | |
|-----------------------------------|---|
| a. number of new stream crossings | b. number of replacement stream crossings |
|-----------------------------------|---|

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

- Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
- The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
- This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
- The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - The work is a maintenance dredging project as provided for in the Act; or
 - The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
- This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).



**Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands**

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
273-0411

MassDEP File #

eDEP Transaction #

Rockland

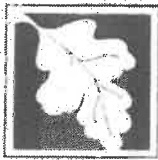
City/Town

6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on _____ unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.

C. General Conditions Under Massachusetts Wetlands Protection Act

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number 273-0411 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.



**Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands**

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
273-0411

MassDEP File #

eDEP Transaction #

Rockland

City/Town

15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
 - (1) ☒ is subject to the Massachusetts Stormwater Standards
 - (2) ☐ is NOT subject to the Massachusetts Stormwater Standards

If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.



**Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands**

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
273-0411

MassDEP File #

eDEP Transaction #

Rockland

City/Town

- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
 - v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.
- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:
- i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and
 - ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 273-0411

MassDEP File #

eDEP Transaction #

Rockland

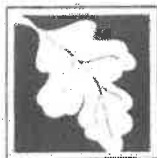
City/Town

entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 273-0411

MassDEP File #

eDEP Transaction #

Rockland

City/Town

Special Conditions (if you need more space for additional conditions, please attach a text document):

See attached Special Conditions.

20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? ☒ Yes ☐ No
2. The Rockland hereby finds (check one that applies):
 Conservation Commission
- a. ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw

2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. ☒ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

Rockland Wetlands Protection Bylaw

Chapter 407

1. Municipal Ordinance or Bylaw

2. Citation

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

See attached Special Conditions.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 273-0411

MassDEP File #

eDEP Transaction #

Rockland

City/Town

E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form.

This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

8/10/21
 1. Date of Issuance

5
 2. Number of Signers

Signature

Signature

Signature

Signature

Signature

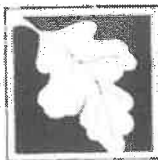
Printed Name

Printed Name

Printed Name

Printed Name

Printed Name



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
273-0411

MassDEP File #

eDEP Transaction #

Rockland
City/Town

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

☒ by hand delivery on

☐ by certified mail, return receipt
requested, on

Date

8/10/21

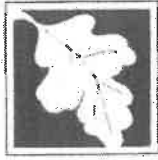
Date

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 273-0411

MassDEP File #

eDEP Transaction #

Rockland

City/Town

wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the

G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Conservation Commission

Please be advised that the Order of Conditions for the Project at:



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
273-0411

MassDEP File #

eDEP Transaction #

Rockland
City/Town

Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for: Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

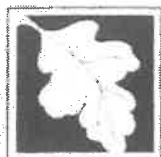
If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant



**Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands**

DEP File Number: _____

**Request for Departmental Action Fee
Transmittal Form**

Provided by DEP _____

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. Request Information

1. Location of Project

a. Street Address _____

b. City/Town, Zip _____

c. Check number _____

d. Fee amount _____

2. Person or party making request (if appropriate, name the citizen group's representative):

Name _____

Mailing Address _____

City/Town _____

State _____

Zip Code _____

Phone Number _____

Fax Number (if applicable) _____

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Name _____

Mailing Address _____

City/Town _____

State _____

Zip Code _____

Phone Number _____

Fax Number (if applicable) _____

4. DEP File Number:

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



B. Instructions

1. When the Departmental action request is for (check one):

- ☐ Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
- ☐ Superseding Determination of Applicability – Fee: \$120
- ☐ Superseding Order of Resource Area Delineation – Fee: \$120



**Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands**

**Request for Departmental Action Fee
Transmittal Form**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

Provided by DEP

B. Instructions (cont.)

Send this form and check or money order, payable to the *Commonwealth of Massachusetts*, to:

Department of Environmental Protection
Box 4062
Boston, MA 02211

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

ROCKLAND CONSERVATION COMMISSION
ORDER OF CONDITIONS

Dyer Street Duplex Notice of Intent
Rockland, MA
DEP File No. 273-0411

ATTACHMENT A – PERMIT PLANS AND DOCUMENTS

Applicant Submittals

- Notice of Intent – Filed under: MGL CH. 131 S.40 and the Town of Rockland Wetlands Protection; Dyer Street (Assessor's Parcel No. 34-83-0) Rockland, Massachusetts; dated October 23, 2020, Revised April 1, 2021; Prepared by MEG McKenzie Engineering Group.
- *Site Development Plan Set* including Existing Conditions Plan, Site Development Plans and Details and Landscaping Plan - Assessor's Map 34, Lots 83, 84, 87, 88, 89 & 90; Dyer Street, Rockland, Massachusetts (15 Sheets); prepared by McKenzie Engineering Group; dated October 23, 2020, Last Revised **June 29, 2021**; stamped by Bradley C. McKenzie, MA Civil PE No. 36917 and Richard J. Hood, MA PLS No. 35031.
- *Executive Summary Drainage Calculations and Stormwater Management Report* prepared by MEG dated October 23, 2020, Last Revised June 29, 2021.
- *Architectural Plans* dated March 10, 2021.

Peer Review Submittals

- *Notice of Intent – Peer Review*, dated April 12, 2021, Prepared by BETA Group, Inc.
- *Proposed Residential Development – Peer Review*, dated June 22, 2021, Prepared by Henry T. Nover, P.E.

ROCKLAND CONSERVATION COMMISSION
ORDER OF CONDITIONS
Dyer Street Multi-Family NOI
Rockland, MA
DEP File No. 273-0411

ATTACHMENT B – FINDINGS OF FACT AND SPECIAL CONDITIONS

Findings of Fact:

A Notice of Intent was filed by Mayckon Gaspar, Gaspar Investment, Inc. on October 23, 2020 and amended on April 1, 2021. The Rockland Conservation Commission voted to close the hearing on July 13, 2021 and issue an Order of Conditions approving the proposed work on August 10, 2021.

The project consists of construction of three (3) multi-unit buildings - 12 units, total and will be located on Assessor's parcels Map 34 Parcels 84, 87, 88, 89 and 90 & Portion of Dyer Street Right-of-Way. Related site activities include the extension of Dyer Street, a Private Way, clearing and site grading for construction of impervious parking surfaces and access drives, two (2) stormwater BMPs, and utility connections. Portions of Stormwater Basin #1 and #2 occur on adjoining parcels of land to the west. An NOI was submitted for Assessor's parcel 34-83-0 that included a portion of Stormwater Basin #1. The work associated with Stormwater Basin #2 on Assessor's Parcel 34-90-0 is part of this OOC approval.

The boundary of the BVW that exists within 100 feet of the proposed work was reviewed in the field by BETA as part of an ANRAD process in late 2019. Only the portion of the BVW boundary that existed on the ANRAD's subject parcels was legally confirmed by the Conservation Commission, but all wetland flags were reviewed and confirmed as accurate. Therefore, the Commission can rely on the limit of jurisdiction (100-foot buffer zone) off the BVW boundary. No critical resource areas or habitat was identified on the Site during the ANRAD/ORAD process.

The following Special Conditions shall be adhered to in order to ensure compliance with the provisions of the Act and the Bylaw:

A. General

1. This project is approved under M.G.L. c. 131 § 40 and its Regulations and the Town of Rockland Wetlands Protection Bylaw.
2. This document shall be included by reference in all contracts, plans and bid specifications dealing with the activity that is the subject of this OOC, and that are created or modified after the issuance date of this OOC. This OOC supersedes any conflicting contractual arrangements, plans or specifications if appropriate.
3. The applicant shall provide a copy of this OOC to the person or persons supervising the activity that is the subject of this OOC and will be responsible for ensuring that all persons performing the permitted activity are fully aware of the terms and conditions of this OOC.
4. Any person performing work on the activity that is the subject of this OOC is individually responsible for understanding and complying with the requirements of this OOC; the Wetlands Protection Act,

M.G.L. Chapter 131, Section 40; its Regulations, 310 CMR 10.00; and any other local, state or federal environmental laws and regulations.

5. The Rockland Conservation Commission, its employees, and its agents shall have a right of entry to inspect for compliance with the terms of the OOC.
6. **No Buffer Zone alteration (temporary or permanent) is permitted other than that allowed by this OOC and depicted on the final plans of record. This OOC does not approve any alterations (temporary or permanent) to Areas Subject to Protection under the Act and Bylaw.**

B. Prior to Construction

1. Prior to the commencement of any construction activities at the Site, the Applicant shall send the Conservation Commission photographs depicting the erosion controls at the Site. The Conservation Commission and/or their representative shall issue a notice to proceed with work prior to the commencement of any ground disturbing activities.
2. **This OOC must be recorded at the Plymouth County Registry of Deeds. Proof of recording shall be furnished to the Conservation Commission prior to the commencement of any work at the Site.**
3. **EPA NPDES General Permit Authorization and copy of the Stormwater Pollution Prevention Plan (SWPPP) shall be provided prior to commencement of site disturbance.**
4. The contractor shall display the Department of Environmental Protection (DEP) file number for this OOC on a sign with minimum dimensions of three (3) square feet that is clearly visible from the street. The sign shall remain in place and visible until a Certificate of Compliance (COC) is issued for the project.
5. **The Applicant / Developer shall fund a third-party Construction / Compliance Monitor to act on behalf of the Commission during construction phases. The level of required services is dependent on varying site and weather conditions, number of design field changes, level of communication between developer and Commission, and overall level of permit compliance. No work shall commence on the site until funds are received by the Commission. A scope and fee estimate for the Construction / Compliance Monitor will be provided.**
6. The applicant shall notify the Conservation Commission in writing of the name, address and business telephone numbers of the project supervisor or contractor who shall be responsible for ensuring compliance with the conditions of this Order.
7. **The Limit of Work shall be established in the field by placement of stakes approximately every 50 feet, or closer if required to confirm work is in compliance with the Plans of Record. Where the Limit of Work differs from the 25-foot No Disturb buffer zone, the 25-foot buffer zone shall also be staked. No work including installation of erosion controls shall take place until the LOW and 25-foot buffer zone is inspected by the Commission and/or their Representative.**
8. **The resource area boundary shall re-established in the field prior to commencement of site activities.**

9. **A copy of the Homeowners Association Agreement shall be provided to the Commission at least one (1) month prior to commencement of site activities.**
10. **The Final Design of the Roof Drain System shall be submitted to the Commission for review and acceptance prior to commencement of site activities.**

C. Erosion and Sediment Controls

1. Erosion controls shall consist of 12-inch compost filter tubes secured by wooden stakes or as depicted on the Plan of Record, and must be installed as depicted on the plans-of-record.
2. The location of the erosion and sediment controls shall be in accordance with the Plan of Record. Modification of erosion control measures may be required by the Commission at any time before, during and after construction.
3. The erosion and sediment control measures shall represent the limit of work at the site. Workers at the site shall be informed of the purpose of the sediment control barrier and instructed to protect it from damage by tools or machinery. No work shall be permitted beyond the erosion control barrier and no machinery shall be closer to the resource area than the erosion control barrier.
4. Erosion and sediment control measures shall be maintained in good repair and shall be replaced as necessary. Sediment control devices shall be inspected regularly.
5. An adequate stockpile of erosion and sediment control materials shall be on site at all times for emergency or routine replacement and shall include materials to repair or replace silt fences, erosion control blankets, stone rip-rap, filter berms or any other devices planned for use during construction.
6. Immediately upon completion of construction at any given portion of the project, all disturbed areas shall be permanently stabilized as proposed on the Landscaping Plan unless weather conditions prohibit such activity. Any temporary ground stabilization efforts shall be first presented to the Commission and/or their Representative for approval and confirmation that types of seeding, etc. won't impact final site restoration planting. Continued maintenance of this area, in a manner that maintains permanent stabilization and precludes any soil erosion, shall be the responsibility of the Contractor. The erosion and sediment controls shall remain in place and properly functioning until all exposed soils have been stabilized with final vegetative cover. The erosion and sediment controls must be removed and disposed of off-site as soon as the project areas are stable.

D. During Construction

1. **Construction Phase Inspection Reports and SWPPP Inspection Reports shall be provided to the Commission on a monthly basis or as needed depending on weather and site conditions.**
2. **The Commission and/or their Representative shall confirm all subsurface soil conditions associated with proposed stormwater BMPs prior to beginning installation. At least a three (3) business day notice for the needed inspection shall be provided to the Commission and their Representative.**

3. Site work shall be in compliance with approved Sediment and Erosion Control Plans and Specifications and the SWPPP including creation of any sediment control basins immediately after clearing and minimal site grading.
4. The Contractor and any person involved in the activity that is the subject of this Order of Conditions (OOC) shall notify the Commission or its agent immediately upon discovery of any matter related to the OOC that may affect any area within the jurisdiction of the Commission including discovery of oil or hazardous materials.
5. The Commission reserves the right to impose additional Special Conditions as needed to protect the interests of Resource Areas at the Site as identified in the Act and the Bylaw.
6. All debris, fill, excavated material, construction material and building material shall be stockpiled in the designated, approved areas.
7. Any debris that falls into the wetland area shall be removed immediately by hand. Any damage caused as a direct result of this project to any wetland resource area shall be the responsibility of the applicant to correct and repair. Sedimentation into any wetland resource area shall be considered damage. If there is any damage, the Commission shall be notified within 24 hours of observing the damage and shall be provided with an estimate of the damage and the proposed corrective actions.
8. There shall be no discharge of silt or sediment laden water to wetland resource areas either directly or overland. Any de-watering activities on the project in which water will be released to wetlands or storm drains shall make use of a straw bale corral as shown on the submitted sketch. The discharge point shall be located at least thirty (30) feet from any Resource Area.
9. No vehicle or other machinery refueling, lubrication, or maintenance shall take place within 100 feet of any wetland resource area. All equipment shall be inspected regularly for leaks. Any leaking hydraulic lines, cylinders or any other components shall be repaired immediately.
10. Material stockpiling shall be located at the front of the dwelling as shown on the plan-of-record.

G. Post Construction

1. All Conditions in the Order must be complied with prior to the issuance of a Final Certificate of Compliance. The request shall be accompanied with the following items:
 - a. A written statement by a professional engineer or land surveyor registered in the Commonwealth of Massachusetts certifying compliance with the Notice of Intent, the approved plans, and this OOC and setting forth what deviations exist, if any. The Statement shall also include site work associated with DEP File No. 273-~~0411~~. 0412
 - b. A written statement by a qualified professional certifying that all ground restorative work including all proposed landscaping has been completed and is fully established and flourishing.
 - c. One set of As-Built full-sized plans and one half-sized format (approximately 11" x 17") PDF of the As-Built plans prepared by a registered professional engineer showing those activities for

which the Certificate of Compliance is sought, as well as all site work associated with DEP File No. 273-0412;

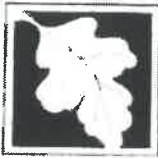
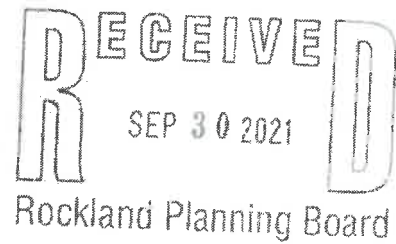
- d. Submittal photographs depicting final Site conditions.
2. A full Certificate of Compliance will not be issued until site and drainage work associated with DEP File No. 273-0412 is completed and has been determined to be in compliance with its Order of Conditions.

H. Continuing Conditions

The following conditions, at a minimum, shall not expire with the issuance of a final Certificate of Compliance and shall remain in effect in perpetuity.

1. All yard debris associated with landscaping activities at or near the Site shall not be disposed of within Resource Areas.
2. The proposed drywell shall be maintained as necessary to ensure capacity and continued infiltration.

CONSERVATION COMMISSION



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 273-0412

MassDEP File #

eDEP Transaction #
 Rockland
 City/Town

A. General Information

Please note:
 this form has
 been modified
 with added
 space to
 accommodate
 the Registry
 of Deeds
 Requirements

Important:
 When filling
 out forms on
 the
 computer,
 use only the
 tab key to
 move your
 cursor - do
 not use the
 return key.



1. From: Rockland
 Conservation Commission
2. This issuance is for
 (check one): a. ☒ Order of Conditions b. ☐ Amended Order of Conditions

3. To: Applicant:

Mayckon Gaspar
 a. First Name b. Last Name

Gaspar Investment Inc.
 c. Organization

265 Willis Avenue
 d. Mailing Address

Rockland MA 02155
 e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

Thomas J. Hastings, Tr.
 a. First Name

Plymouth County Land Trust
 c. Organization

195 Whiting Street, Suite 2B
 d. Mailing Address

Hingham MA 02043
 e. City/Town f. State g. Zip Code

5. Project Location:

off Dyer Street Rockland
 a. Street Address b. City/Town

34 83
 c. Assessors Map/Plat Number d. Parcel/Lot Number



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 273-0412

MassDEP File #

eDEP Transaction #

Rockland

City/Town

Latitude and Longitude, if known: 42.115355
 d. Latitude

-70.907020
 e. Longitude

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
 Plymouth
 a. County 49968 b. Certificate Number (if registered land) 230
 c. Book d. Page ~~July 13, 2021~~ July 20, 2021
7. Dates: October 23, 2020
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
 Site Development Plan Set (15 Sheets)
 a. Plan Title McKenzie Engineering Group b. Prepared By Bradley C. McKenzie, P.E. Lic #36917
 c. Signed and Stamped by varied
 d. Final Revision Date June 29, 2021 e. Scale
 See Attachment A - Permit Plans and Documents
 f. Additional Plan or Document Title g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

- a. ☐ Public Water Supply b. ☐ Land Containing Shellfish c. ☒ Prevention of Pollution
 d. ☐ Private Water Supply e. ☐ Fisheries f. ☒ Protection of Wildlife Habitat
 g. ☒ Groundwater Supply h. ☒ Storm Damage Prevention i. ☒ Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. ☒ the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent



**Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands**

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
273-0412

MassDEP File #

eDEP Transaction #

Rockland

City/Town

that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

B. Findings (cont.)

Denied because:

- b. ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
3. ☒ Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) 25 a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet e. c/y dredged	b. square feet f. c/y dredged	c. square feet	d. square feet
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP
273-0412

MassDEP File #

eDEP Transaction #

Rockland

City/Town

9. ☐ Riverfront Area

a. total sq. feet

b. total sq. feet

Sq ft within 100 ft

c. square feet

d. square feet

e. square feet

f. square feet

Sq ft between 100-200 ft

g. square feet

h. square feet

i. square feet

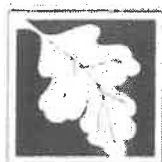
j. square feet

B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

- | | Proposed
Alteration | Permitted
Alteration | Proposed
Replacement | Permitted
Replacement |
|--|---|-------------------------|-------------------------|--------------------------|
| 10. <input type="checkbox"/> Designated Port Areas | Indicate size under Land Under the Ocean, below | | | |
| 11. <input type="checkbox"/> Land Under the Ocean | a. square feet | b. square feet | | |
| | c. c/y dredged | d. c/y dredged | | |

- | | | | | |
|--|---|----------------|-------------------------|-------------------------|
| 12. <input type="checkbox"/> Barrier Beaches | Indicate size under Coastal Beaches and/or Coastal Dunes below | | | |
| 13. <input type="checkbox"/> Coastal Beaches | a. square feet | b. square feet | c. nourishment
cu yd | d. nourishment
cu yd |
| 14. <input type="checkbox"/> Coastal Dunes | a. square feet | b. square feet | c. nourishment
cu yd | d. nourishment
cu yd |
| 15. <input type="checkbox"/> Coastal Banks | a. linear feet | b. linear feet | | |
| 16. <input type="checkbox"/> Rocky Intertidal Shores | a. square feet | b. square feet | | |
| 17. <input type="checkbox"/> Salt Marshes | a. square feet | b. square feet | c. square feet | d. square feet |
| 18. <input type="checkbox"/> Land Under Salt Ponds | a. square feet | b. square feet | | |
| | c. c/y dredged | d. c/y dredged | | |
| 19. <input type="checkbox"/> Land Containing Shellfish | a. square feet | b. square feet | c. square feet | d. square feet |
| 20. <input type="checkbox"/> Fish Runs | Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above | | | |
| | a. c/y dredged | b. c/y dredged | | |
| | a. square feet | b. square feet | | |



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 273-0412

MassDEP File #

eDEP Transaction #

Rockland

City/Town

21. ☐ Land Subject to
Coastal Storm

22. ☐ Riverfront Area

a. total sq. feet

b. total sq. feet

Sq ft within 100 ft

c. square feet

d. square feet

e. square feet

f. square feet

Sq ft between 100-
200 ft

g. square feet

h. square feet

i. square feet

j. square feet

B. Findings (cont.)

* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. ☐ Restoration/Enhancement *

a. square feet of BVW

b. square feet of salt marsh

24. ☐ Stream Crossing(s):

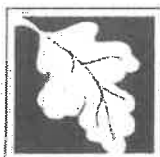
a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 273-0412

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Rockland

City/Town

6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on _____ unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.

C. General Conditions Under Massachusetts Wetlands Protection Act

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
 "File Number 273-0412 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 273-0412

MassDEP File #

eDEP Transaction #

Rockland

City/Town

15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
 - (1) ☒ is subject to the Massachusetts Stormwater Standards
 - (2) ☐ is NOT subject to the Massachusetts Stormwater Standards

If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 273-0412

MassDEP File #

eDEP Transaction #

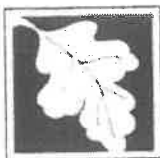
Rockland

City/Town

- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
 - v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.
- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:
- i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and
 - ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP
 273-0412

MassDEP File #

eDEP Transaction #

Rockland

City/Town

entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 273-0412

MassDEP File #

eDEP Transaction #

Rockland

City/Town

Special Conditions (if you need more space for additional conditions, please attach a text document):

See attached Special Conditions.

20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? ☒ Yes ☐ No
2. The Rockland hereby finds (check one that applies):
 Conservation Commission
- a. ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw

2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. ☒ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

Rockland Wetlands Protection Bylaw

Chapter 407

1. Municipal Ordinance or Bylaw

2. Citation

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

See attached Special Conditions.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
273-0412

MassDEP File #

eDEP Transaction #

Rockland
City/Town

E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form.
This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

8/10/12
1. Date of Issuance

5
2. Number of Signers

Signature Charlene R Judge
Signature Lorraine Pratt
Signature Virginia A Hoffman
Signature Ronald B Barkelle

Printed Name CHARLENE R JUDGE
Printed Name Lorraine Pratt
Printed Name Virginia A Hoffman
Printed Name RONALD BARKELLE



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
273-0412

MassDEP File #

eDEP Transaction #

Rockland
City/Town

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

☒ by hand delivery on

☐ by certified mail, return receipt
requested, on

Date

8/10/21

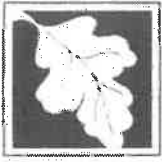
Date

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
273-0412

MassDEP File # _____

eDEP Transaction # _____

Rockland

City/Town

wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the

G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission _____

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Conservation Commission _____

Please be advised that the Order of Conditions for the Project at:



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 273-0412

MassDEP File #

eDEP Transaction #
 Rockland
 City/Town

Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for: Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
Request for Departmental Action Fee
Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
A. Request Information

DEP File Number: _____

Provided by DEP _____

1. Location of Project

a. Street Address _____

b. City/Town, Zip _____

c. Check number _____

d. Fee amount _____

2. Person or party making request (if appropriate, name the citizen group's representative):

Name _____

Mailing Address _____

City/Town _____

State _____

Zip Code _____

Phone Number _____

Fax Number (if applicable) _____

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Name _____

Mailing Address _____

City/Town _____

State _____

Zip Code _____

Phone Number _____

Fax Number (if applicable) _____

4. DEP File Number: _____

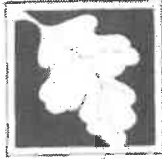
Important:
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



B. Instructions

1. When the Departmental action request is for (check one):

- ☐ Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
- ☐ Superseding Determination of Applicability – Fee: \$120
- ☐ Superseding Order of Resource Area Delineation – Fee: \$120



**Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands**

DEP File Number: _____

**Request for Departmental Action Fee
Transmittal Form**

Provided by DEP _____

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Instructions (cont.)

Send this form and check or money order, payable to the *Commonwealth of Massachusetts*, to:

Department of Environmental Protection
Box 4062
Boston, MA 02211

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-county>).
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

**ROCKLAND CONSERVATION COMMISSION
ORDER OF CONDITIONS
Dyer Street Duplex NOI
Rockland, MA
DEP File No. 273-0412**

ATTACHMENT B – FINDINGS OF FACT AND SPECIAL CONDITIONS

Findings of Fact:

A Notice of Intent was filed by Mayckon Gaspar, Gaspar Investment, Inc. on October 23, 2020. The Rockland Conservation Commission voted to close the hearing on July 13, 2021 and issue an Order of Conditions approving the proposed work on August 10, 2021.

The project consists of one (1) duplex (two unit) building and related site improvements including access driveway, stormwater facilities, utility connections, landscaping / restoration plantings, and other relevant infrastructure on a 12,320 square foot lot (Map 34 Parcel 83) with legal frontage off proposed Dyer Street extension, an existing 50' Private Way layout. The work associated with the extension of Dyer Street is included in a separate NOI submittal (DEP File No. 273-0411) and is subject to a separate Order of Conditions. However, some Special Conditions found herein are also included in the OOC for DEP File No. 273-0411. In addition, according to the Erosion and Sediment Control Plan, a temporary settling basin will be constructed on the Duplex Site in the 100-foot buffer zone. A portion of the permanent stormwater management BMP (Stormwater Basin #1) will be located within a Drainage Easement on the Duplex Site. No work associated with the Duplex Site is proposed within the BVW's 25-foot No Disturb.

The boundary of the BVW that exists within 100 feet of the proposed work was reviewed in the field by BETA as part of an ANRAD process in late 2019. Only the portion of the BVW boundary that existed on the ANRAD's subject parcels was legally confirmed by the Conservation Commission, but all wetland flags were reviewed and confirmed as accurate. Therefore, the Commission can rely on the limit of jurisdiction (100-foot buffer zone) off the BVW boundary. No critical resource areas or habitat was identified on the Site during the ANRAD/ORAD process.

The following Special Conditions shall be adhered to in order to ensure compliance with the provisions of the Act and the Bylaw:

A. General

1. This project is approved under M.G.L. c. 131 § 40 and its Regulations and the Town of Rockland Wetlands Protection Bylaw.
2. This document shall be included by reference in all contracts, plans and bid specifications dealing with the activity that is the subject of this OOC, and that are created or modified after the issuance date of this OOC. This OOC supersedes any conflicting contractual arrangements, plans or specifications if appropriate.
3. The applicant shall provide a copy of this OOC to the person or persons supervising the activity that is the subject of this OOC and will be responsible for ensuring that all persons performing the permitted activity are fully aware of the terms and conditions of this OOC.

Attachment B – Findings of Fact and Special Conditions
DEP File No. 273-0412

4. Any person performing work on the activity that is the subject of this OOC is individually responsible for understanding and complying with the requirements of this OOC; the Wetlands Protection Act, M.G.L. Chapter 131, Section 40; its Regulations, 310 CMR 10.00; and any other local, state or federal environmental laws and regulations.
5. The Rockland Conservation Commission, its employees, and its agents shall have a right of entry to inspect for compliance with the terms of the OOC.
6. **No Buffer Zone alteration (temporary or permanent) is permitted other than that allowed by this OOC and depicted on the final plans of record. This OOC does not approve any alterations (temporary or permanent) to Areas Subject to Protection under the Act and Bylaw.**

B. Prior to Construction

1. Prior to the commencement of any construction activities at the Site, the Applicant shall send the Conservation Commission photographs depicting the erosion controls at the Site. The Conservation Commission and/or their representative shall issue a notice to proceed with work prior to the commencement of any ground disturbing activities.
2. **This OOC must be recorded at the Plymouth County Registry of Deeds. Proof of recording shall be furnished to the Conservation Commission prior to the commencement of any work at the Site.**
3. **EPA NPDES General Permit Authorization and copy of the Stormwater Pollution Prevention Plan (SWPPP) shall be provided prior to commencement of site disturbance.**
4. The contractor shall display the Department of Environmental Protection (DEP) file number for this OOC on a sign with minimum dimensions of three (3) square feet that is clearly visible from the street. The sign shall remain in place and visible until a Certificate of Compliance (COC) is issued for the project.
5. **The Applicant / Developer shall fund a third-party Construction / Compliance Monitor to act on behalf of the Commission during construction phases. The level of required services is dependent on varying site and weather conditions, number of design field changes, level of communication between developer and Commission, and overall level of permit compliance. No work shall commence on the site until funds are received by the Commission. A scope and fee estimate for the Construction / Compliance Monitor will be provided.**
6. The applicant shall notify the Conservation Commission in writing of the name, address and business telephone numbers of the project supervisor or contractor who shall be responsible for ensuring compliance with the conditions of this Order.
7. **The Limit of Work shall be established in the field by placement of stakes approximately every 50 feet, or closer if required to confirm work is in compliance with the Plans of Record. Where the Limit of Work differs from the 25-foot No Disturb buffer zone, the 25-foot buffer zone shall also be staked. No work including installation of erosion controls shall take place until the LOW and 25-foot buffer zone is inspected by the Commission and/or their Representative.**
8. **The resource area boundary shall re-established in the field prior to commencement of site activities.**

9. **A copy of the Homeowners Association Agreement shall be provided to the Commission at least one (1) month prior to commencement of site activities.**
10. **The Final Design of the Roof Drain System shall be submitted to the Commission for review and acceptance prior to commencement of site activities.**

C. Erosion and Sediment Controls

1. Erosion controls shall consist of 12-inch compost filter tubes secured by wooden stakes or as depicted on the Plan of Record, and must be installed as depicted on the plans-of-record.
2. The location of the erosion and sediment controls shall be in accordance with the Plan of Record. Modification of erosion control measures may be required by the Commission at any time before, during and after construction.
3. The erosion and sediment control measures shall represent the limit of work at the site. Workers at the site shall be informed of the purpose of the sediment control barrier and instructed to protect it from damage by tools or machinery. No work shall be permitted beyond the erosion control barrier and no machinery shall be closer to the resource area than the erosion control barrier.
4. Erosion and sediment control measures shall be maintained in good repair and shall be replaced as necessary. Sediment control devices shall be inspected regularly.
5. An adequate stockpile of erosion and sediment control materials shall be on site at all times for emergency or routine replacement and shall include materials to repair or replace silt fences, erosion control blankets, stone rip-rap, filter berms or any other devices planned for use during construction.
6. Immediately upon completion of construction at any given portion of the project, all disturbed areas shall be permanently stabilized as proposed on the Landscaping Plan unless weather conditions prohibit such activity. Any temporary ground stabilization efforts shall be first presented to the Commission and/or their Representative for approval and confirmation that types of seeding, etc. won't impact final site restoration planting. Continued maintenance of this area, in a manner that maintains permanent stabilization and precludes any soil erosion, shall be the responsibility of the Contractor. The erosion and sediment controls shall remain in place and properly functioning until all exposed soils have been stabilized with final vegetative cover. The erosion and sediment controls must be removed and disposed of off-site as soon as the project areas are stable.

D. During Construction

1. **Construction Phase Inspection Reports and SWPPP Inspection Reports shall be provided to the Commission on a monthly basis or as needed depending on weather and site conditions.**
2. **The Commission and/or their Representative shall confirm all subsurface soil conditions associated with proposed stormwater BMPs prior to beginning installation. At least a three (3) business day notice for the needed inspection shall be provided to the Commission and their Representative.**

3. The Contractor and any person involved in the activity that is the subject of this Order of Conditions (OOC) shall notify the Commission or its agent immediately upon discovery of any matter related to the OOC that may affect any area within the jurisdiction of the Commission including discovery of oil or hazardous materials.
4. The Commission reserves the right to impose additional Special Conditions as needed to protect the interests of Resource Areas at the Site as identified in the Act and the Bylaw.
5. All debris, fill, excavated material, construction material and building material shall be stockpiled in the designated, approved areas.
6. Any debris that falls into the wetland area shall be removed immediately by hand. Any damage caused as a direct result of this project to any wetland resource area shall be the responsibility of the applicant to correct and repair. Sedimentation into any wetland resource area shall be considered damage. If there is any damage, the Commission shall be notified within 24 hours of observing the damage and shall be provided with an estimate of the damage and the proposed corrective actions.
7. There shall be no discharge of silt or sediment laden water to wetland resource areas either directly or overland. Any de-watering activities on the project in which water will be released to wetlands or storm drains shall make use of a straw bale corral as shown on the submitted sketch. The discharge point shall be located at least thirty (30) feet from any Resource Area.
8. No vehicle or other machinery refueling, lubrication, or maintenance shall take place within 100 feet of any wetland resource area. All equipment shall be inspected regularly for leaks. Any leaking hydraulic lines, cylinders or any other components shall be repaired immediately.
9. Material stockpiling shall be located at the front of the dwelling as shown on the plan-of-record.

G. Post Construction

1. All Conditions in the Order must be complied with prior to the issuance of a Final Certificate of Compliance. The request shall be accompanied with the following items:
 - a. A written statement by a professional engineer or land surveyor registered in the Commonwealth of Massachusetts certifying compliance with the Notice of Intent, the approved plans, and this OOC and setting forth what deviations exist, if any. The Statement shall also include site work associated with DEP File No. 273-0411.
 - b. A written statement by a qualified professional certifying that all ground restorative work including all proposed landscaping has been completed and is fully established and flourishing.
 - c. One set of As-Built full-sized plans and one half-sized format (approximately 11" x 17") PDF of the As-Built plans prepared by a registered professional engineer showing those activities for which the Certificate of Compliance is sought, as well as all site work associated with DEP File No. 273-0411;
 - d. Submittal photographs depicting final Site conditions.

2. A full Certificate of Compliance will not be issued until site and drainage work associated with DEP File No. 273-0411 is completed and has been determined to be in compliance with its Order of Conditions.

H. Continuing Conditions

The following conditions, at a minimum, shall not expire with the issuance of a final Certificate of Compliance and shall remain in effect in perpetuity.

1. All yard debris associated with landscaping activities at or near the Site shall not be disposed of within Resource Areas.
2. The proposed drywell shall be maintained as necessary to ensure capacity and continued infiltration.

**ROCKLAND CONSERVATION COMMISSION
ORDER OF CONDITIONS
Dyer Street Duplex NOI
Rockland, MA
DEP File No. 273-0412**

ATTACHMENT B – FINDINGS OF FACT AND SPECIAL CONDITIONS

Findings of Fact:

A Notice of Intent was filed by Mayckon Gaspar, Gaspar Investment, Inc. on October 23, 2020. The Rockland Conservation Commission voted to close the hearing on July 13, 2021 and issue an Order of Conditions approving the proposed work on August 10, 2021.

The project consists of one (1) duplex (two unit) building and related site improvements including access driveway, stormwater facilities, utility connections, landscaping / restoration plantings, and other relevant infrastructure on a 12,320 square foot lot (Map 34 Parcel 83) with legal frontage off proposed Dyer Street extension, an existing 50' Private Way layout. The work associated with the extension of Dyer Street is included in a separate NOI submittal (DEP File No. 273-0411) and is subject to a separate Order of Conditions. However, some Special Conditions found herein are also included in the OOC for DEP File No. 273-0411. In addition, according to the Erosion and Sediment Control Plan, a temporary settling basin will be constructed on the Duplex Site in the 100-foot buffer zone. A portion of the permanent stormwater management BMP (Stormwater Basin #1) will be located within a Drainage Easement on the Duplex Site. No work associated with the Duplex Site is proposed within the BVW's 25-foot No Disturb.

The boundary of the BVW that exists within 100 feet of the proposed work was reviewed in the field by BETA as part of an ANRAD process in late 2019. Only the portion of the BVW boundary on the subject parcels was legally confirmed by the Conservation Commission, but all wetlands were confirmed as accurate. Therefore, the Commission can rely on the limit of jurisdiction.